REMARKS

In the non-final Office Action mailed April 23, 2008, claims 1, 7-10, 17, 23-26, 33, and 39-42 were rejected. Claims 2-6, 11-16, 18-22, 27-32, 34-38, and 43-48 had been previously withdrawn from consideration, pursuant to an election-of-species requirement. Applicant has amended independent claims 1, 17, and 33. Applicant has also amended dependent claims 7, 9, 23, 25, 39, and 41. The amendments add no new matter. Accordingly, claims 1-48 are pending, although of those, claims 2-6, 11-16, 18-22, 27-32, 34-38, and 43-48 are presently withdrawn.

Applicant respectfully requests reconsideration of claims 1, 7-10, 17, 23-26, 33, and 39-42 in view of the amendments and the following remarks. In addition, Applicant respectfully requests that the previously withdrawn claims 2-6, 11-16, 18-22, 27-32, 34-38, and 43-48 be rejoined and considered pursuant to 37 C.F.R. 1.141.

Examiner Interview Summary

Applicant thanks Examiner Fadok for the courtesies extended during a telephonic examiner interview conducted on July 7, 2008. The undersigned attorney, Stephen Schaefer, and Kraig Jakobsen participated on behalf of Applicant. In the interview, claim 1 and distinctions over form-filling prior art such as that disclosed in the cited Scott reference were discussed. In addition, there was also discussion regarding the fact that typically the first two elements of claim 1 may be carried out under the input control of a system administrator to set up the system to handle later-generated opportunity objects for specific potential commercial transactions, whereas the last three elements of the claim may be carried out under the input control of a user creating an opportunity object for the specific commercial transaction, which user may not be the system administrator. No agreement was reached with respect to the patentability of claim 1, but Applicant's representatives believe that a better understanding of one anothers' positions was achieved, and have taken Examiner Fadok's guidance into account in the amendments to the claims set forth above.

Claim Rejections – 35 U.S.C. §§ 102 & 103

All pending independent claims 1, 17, and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2002/0198818 to Scott et al. ("Scott"). The remaining pending and non-withdrawn claims 7-10, 23-26, and 39-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scott in view of U.S. Patent Publication 2004/0215467 to Coffman et al. ("Coffman").

Applicant has amended each of the independent claims 1, 17, and 33 to more particularly define the subject matter sought to be patented. The amendments add no new matter. Support for the amendments can be found throughout the specification as originally filed, for example at paragraphs 0005-0006, 0034-0035, 0061, and 0068-0069, as well as in Figure 10B and the corresponding description.

Applicant submits that each of the amended independent claims defines subject matter that is patentable over Scott and Coffman, as do the rejected dependent claims. The fact that Applicant distinguishes Scott from the present claims should not be taken as an admission that Scott is properly considered prior art under any sub-section of 35 U.S.C. § 102.

Amended claim 1 recites a method of electronic commerce that includes two phases—a system configuration phase and a subsequent system usage phase. The system configuration phase includes, among other things, "receiving dynamic attribute parameters defining an administrator dynamic attribute by which to measure the desirability of a specific responder for a potential commercial transaction involving a requestor and a responder," and "receiving a criterion to automatically determine whether to associate the administrator dynamic attribute with a particular opportunity object, created later, representing a particular potential commercial transaction involving a requestor and a responder." The system usage phase includes, among other things, "receiving user input from a requestor to generate a new opportunity object," where "the user input includ[es] opportunity attribute data for one or more attributes of the particular potential commercial transaction," "determining whether the particular potential commercial transaction for which the new opportunity object is being generated meets the criterion based on

the user input opportunity attribute data," and if so, "automatically associating the administrator dynamic attribute with the new opportunity object."

Figure 10B and the corresponding description in Applicant's specification provide an illustrative example of the system configuration aspects of claim 1, showing a step-by-step process whereby an administrator, for example, creates a dynamic attribute and criteria for automatically associating the dynamic attribute with one or more particular opportunity objects that are created later by a requestor. Then, when the requestor subsequently creates an opportunity object with opportunity attributes matching the criteria, the opportunity object will include not only the standard attributes, but will also include the dynamic attribute. [Applicant's Specification, at 0067.] This allows for the creation of one or more dynamic attributes that are associated only with particular opportunity objects meeting an established criteria, which may be based upon any of the opportunity attributes (e.g., the type of opportunity or the particular product or service being requested, etc.) that may be entered by the requestor when creating the opportunity object.

By contrast, and as discussed in more detail during the interview, Scott relates generally to the automatic, form-filling generation of an RFQ based on a particular user's profile and potentially some additional system and/or merchant rules. [Scott, at 0042.] In particular, when a specific user chooses to create an RFQ for a given transaction, the RFQ is automatically filled-in with much or all of the data required to complete the RFQ, based primarily on the data stored in that specific user's profile. This disclosed functionality is very different from the claimed subject matter of the present application.

Scott does not anticipate or render obvious Applicant's amended claim 1. For example, Scott does not teach or suggest the system configuration phase as recited in amended claim 1, where "dynamic attribute parameters defining an administrator dynamic attribute by which to measure the desirability of a specific responder for a potential commercial transaction," and "a criterion to automatically determine whether to associate the administrator dynamic attribute with a particular opportunity object" are received. This subject matter cannot be considered the same as the user profile creation step in Scott. In particular, a user profile in Scott is different

from the administrator dynamic attribute recited in Applicant's amended claim 1. A user profile includes information specific to a particular user that may be used to automatically fill in various parts of an RFQ, whereas an administrator dynamic attribute is an attribute that may be associated with one or more different opportunity objects, depending on whether a certain criterion is met. In Scott, the user profile is specific to the particular user and therefore would not, and indeed cannot, be applied to the creation of any RFQs except those made by the particular user. On the other hand, in the present application, the administrator dynamic attributes are created as part of a system configuration process and are applicable system-wide, and they may therefore be associated with any opportunity object created by any system user, provided that the attributes of the opportunity object meet a certain criterion.

Coffman does not remedy the deficiencies of Scott, and has not been cited for that purpose. As such, Coffman is equally unsupportive of a rejection of independent claim 1 as amended.

For at least the foregoing reasons, amended claim 1 defines subject matter that is patentable over Scott, as do dependent claims 7-10. Independent claims 17 and 33 are similar to claim 1, and are patentable over Scott for at least the reasons described above with reference to claim 1, as are dependent claims 23-26 and 39-42. Accordingly, Applicant requests that the Examiner remove the rejections of claims 1, 7-10, 17, 23-26, 33, and 39-42.

Rejoinder of Withdrawn Claims

Applicant requests that dependent claims 2-6, 11-16, 18-22, 27-32, 34-38 and 43-48 be rejoined and considered pursuant to 37 C.F.R. 1.141. Applicant submits that these dependent claims are allowable at least for the reasons discussed above in connection with their respective independent claims.
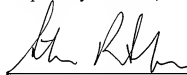
Conclusion

Applicant submits that claims 1-48 are in condition for allowance and requests favorable consideration of these claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that no fee is owing for this Amendment. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _July 10, 2008_

Stephen R. Schaefer
Reg. No. 37,927

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

60502683.doc